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16 **Attorneys for Defendants:** REGENTS OF THE UNIVERSITY OF CALIFORNIA, LARRY
17 VANDERHOEF (erroneously sued as LAWRENCE VANDERHOEF), GREG WARZECKA, PAM
GILL-FISHER, and ROBERT FRANKS

18
19 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
[Sacramento Division]

20 AREZOU MANSOURIAN; LAUREN
21 MANCUSO; and CHRISTINE WING-SI NG,

22 Plaintiffs,

23 vs.

24 REGENTS OF THE UNIVERSITY OF
CALIFORNIA, *et al.*

25 Defendants.

26 CASE NO. CIV. S-03-2591 FCD EFB

27 **JOINT STIPULATION AND ORDER TO**
MODIFY STATUS (PRETRIAL SCHEDULING)
ORDER TO CONTINUE TRIAL DATE

Courtroom: 2, 15th Flr.
Judge: Hon. Frank C. Damrell, Jr

Complaint filed: December 18, 2003
Trial date: April 26, 2011

1. The parties, by and through their counsel of record, jointly request that the Court issue an Order shortening time to hear and brief Plaintiffs' Motion to Modify Status (Pretrial Scheduling) Order to Continue Trial Date ("Motion") on the expedited schedule set forth below, for the reasons set forth in this Stipulation.

2. This action was filed in December 2003. Plaintiffs allege that defendants have violated Title IX of the Education Amendments of 1972 (20 U.S.C. § 1621 *et seq.*) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution (as enforced through 42 U.S.C. § 1983) by denying females equal opportunity to participate in varsity athletics as compared to males at the University of California at Davis from 1998 to 2006. Defendants deny the allegations.

3. On June 23, 2010, the Court issued its Status (Pretrial Scheduling) Order. (Dkt. 414.) On September 13, 2010, the Court granted the parties' joint Stipulation and Order to Modify the Status (Pretrial Scheduling) Order, which, (1) extended the Discovery Cut-Off date to October 25, 2010 (not including Individual Defendant financial status discovery), (2) extended the last day to hear dispositive motions to December 6, 2010, and (3) suspended the discovery deadline for financial information from Individual Defendants until after the Court ruled on the (then anticipated) Individual Defendants' motions for summary judgment. (Dkt. 436.)

4. On September 9, 14, and 22, 2010, Defendants filed motions for summary judgment on behalf of each of the individual defendants on the § 1983 claims. (Dkt. 417-34, 437-50, 452-55.) Plaintiffs voluntarily dismissed Defendant Larry Swanson on November 8, 2010 (Dkt. 465) and opposed the motions on behalf of the four remaining Defendants on November 9, 2010 (Dkt. 466-83). On December 8, 2010, the Court issued a decision granting in part and denying in part the summary judgment motions filed by the individual Defendants. (Dkt. 509.)

5. On October 8, 2010, during briefing on Defendants' summary judgment motions, Plaintiffs filed a Request for Referral to Settlement Conference (Dkt. 457), which was granted. The Settlement Conference took place on December 16, 2010 before the Honorable Kimberly J. Mueller. However, the case did not settle.

6. The current Status (Pretrial Scheduling) Order sets this case for trial on April 26, 2011.

1 (Dkt. 414 § VII.) The Final Pretrial Conference set for March 4, 2011 and the deadline to file the Joint
 2 Pretrial Conference Statement on February 25, 2011. (*Id.* § VI.)

3 7. The current pre-trial schedule requires the Joint Pre-Trial Statement, which demands
 4 extensive briefing and pre-trial preparation, to be completed by February 25, 2010, the same date as this
 5 Motion, if fully noticed, would be heard. The parties recognize that prompt resolution of Plaintiffs'
 6 Motion will allow the parties to engage in pre-trial matters expeditiously and efficiently.

7 8. On January 25, 2011, Plaintiffs filed a Motion to Modify Status (Pretrial Scheduling)
 8 Order to Continue Trial Date. (Dkt. 521.) The parties filed opposing and reply papers on February 1st
 9 and 7th, respectively (Dkt. 525, 528) and the Court held a hearing on February 25, 2011. At the hearing,
 10 the Court distributed proposed pretrial and trial related dates and requested that the parties further meet
 11 and confer to refine the dates. On February 17, 2011, the parties emailed revised dates to the Court, to
 12 which the Court agreed.

13 9. Accordingly, the parties respectfully request that this Court modify the Status (Pretrial
 14 Scheduling) Order as follows:

Date	Event
April 15, 2011	Pretrial Statement Due: Liability Phase Issues Only. Parties to inform Court if additional days needed.
April 21, 2011	Final Pretrial Conference.
May 10, 2011	Motions <i>in limine</i> /Trial Briefs due: Liability Phase Issues Only.
May 17, 2011	Oppositions to motions <i>in limine</i> due.
May 20, 2011	Replies to motions <i>in limine</i> due.
May 23, 2011 (1:30 pm)	Commence court bench trial on issues of liability.
June 9, 2011	Conclude court bench trial on issues of liability.

1 Tentative Dates:

Tentative Date	Event
Early July 2011	Court issues findings of facts and conclusions of law, including ruling on motion to reconsider denial of protective order. If necessary, damages discovery continues. Responsive documents to be provided within five court days of decision on liability/motion to reconsider.
July 26, 2011	Damage discovery closes.
July 29, 2011, subject to modification depending on date of issuance of liability decision.	Damages phase pretrial statement due; Damages phase motions <i>in limine</i> due; Proposed voir dire, jury instructions; and Verdict forms due.
August 2, 2011	Opposition to motions <i>in limine</i> due.
August 3, 2011	Reply to motions <i>in limine</i> due.
August 5, 2011 (1:30 pm)	Damages Phase Pretrial Conference (rulings on voir dire, jury instructions, verdict forms, motions <i>in limine</i>).
August 8-11, 2011	Jury trial on damages.

17 Respectfully submitted,

18 DATED: February 22, 2011

PORTER SCOTT

19 _____
20 /s/ David Burkett
David P.E. Burkett
21 Attorneys for Defendants

22 DATED: February 22, 2011

THE STURDEVANT LAW FIRM
A Professional Corporation

23 _____
24 /s/ Whitney Huston
WHITNEY HUSTON
25 Attorneys for Plaintiffs

26 DATED: February 22, 2011

EQUAL RIGHTS ADVOCATES

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28 /s/ Noreen Farrell
NOREEN FARRELL

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ORDER

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby grants the parties Joint Stipulation and Order to modify the Status (Pretrial Scheduling) Order as follows:

Date	Event
April 15, 2011	Pretrial Statement Due: Liability Phase Issues Only. Parties to inform Court if additional days needed.
April 21, 2011 (10:00 a.m.)	Final Pretrial Conference.
May 10, 2011	Motions <i>in limine</i> /Trial Briefs due: Liability Phase Issues Only.
May 17, 2011	Oppositions to motions <i>in limine</i> due.
May 20, 2011	Replies to motions <i>in limine</i> due.
May 23, 2011 (1:30 pm)	Commence court bench trial on issues of liability.
June 9, 2011	Conclude court bench trial on issues of liability.

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August 2, 2011	Opposition to motions <i>in limine</i> due.

1 Tentative Date	2 Event
3 August 3, 2011	4 Reply to motions <i>in limine</i> due.
5 August 5, 2011 (1:30 p.m.)	6 Damages Phase Pretrial Conference (rulings on voir dire, jury instructions, verdict forms, motions <i>in limine</i>).
7 August 9-11, 2011 (9:00 a.m.)	8 Jury trial on damages.

9
IT IS SO ORDERED.

10 DATED: February 18, 2011



11 FRANK C. DAMRELL, JR.
12 UNITED STATES DISTRICT JUDGE